

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES, : Crim. No. 03-520

v. : Hon. Katharine S. Hayden

LUIS ESCOBAR : ORDER

A motion to set aside and correct defendant's sentence having been filed (by, Luis Escobar, pro se, appearing) in the above matter; the United States of America (by Andrew Kogan, Assistant United States Attorney, appearing) having opposed the motion; the Court having considered the submissions of the parties; and for good cause shown;

IT IS THE FINDINGS OF THIS COURT that:

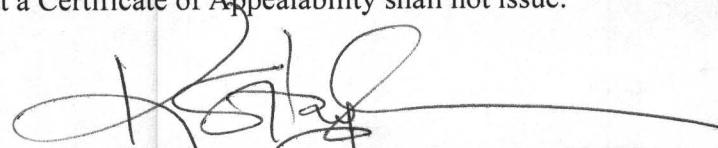
1. Defendant's submission is barred as a second and successive motion filed pursuant to Title 28, United States Code, Section 2255, because: (a) defendant filed, and this Court ruled upon, a previous Section 2255 motion; and (b) the Third Circuit has not certified defendant's present motion.

2. The legal arguments and facts presented in defendant's motion do not support the relief he seeks.

WHEREFORE, it is on this 8 day of February 2011;

ORDERED that the defendant's motion is hereby DENIED; and it

IT IS FURTHER ORDERED that a Certificate of Appealability shall not issue.


HONORABLE KATHARINE S. HAYDEN
United States District Judge